

ORIGINAL

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

DOCKET FILE COPY OPTIONAL

In the Matter of )  
 )  
Amendment of Section 73.202(b), ) MM Docket No. 97-45  
Table of Allotments, ) RM-8961  
FM Broadcast Stations. )  
(Tylertown, Mississippi) )

To: Chief, Allocations Branch

COMMENTS

RECEIVED  
MAR 31 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Guaranty Broadcasting Corporation ("Guaranty"), licensee of  
Radio Station WBBU(FM), Baker, Louisiana, by its attorneys,  
hereby submits the following comments in the above-captioned  
proceeding. The nominal petitioner in this proceeding is an  
entity called TRL Broadcasting Company.<sup>1</sup> It proposes to allot

<sup>1</sup> Although not apparent from the petition for rulemaking in this proceeding, Guaranty has good reason to believe that the subject rulemaking proposal has been initiated by or on behalf of Roy E. Henderson, an individual who has been the driving force behind a number of FM application and rulemaking matters before the Commission in recent years, including those of a somewhat questionable nature. See, e.g., Roy E. Henderson d/b/a Pueblo Radio Broadcasting Service, 5 FCC Rcd 4829 (Rev. Bd. 1990) (separate statement of Board member Eric T. Esbensen in which Board member Norman Blumenthal joins) ("Although Henderson has maintained his... 'integration' pledge... as well as his divestiture pledges, Henderson's active sales and acquisition pattern of late raises ineliminable skepticism as to the efficacy of both of those pledges.") ("[I]t is devoutly hoped that all interested parties -- competitors current and potential, the local citizenry, and the Commission -- keep a keen eye upon Henderson...."). Furthermore, as briefly noted in the attached

(Continued...)

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Channel 297A at Tylertown, Mississippi, as that community's third local radio service.<sup>2</sup>

Simultaneously with these comments Guaranty is filing an application on FCC Form 301 proposing the "one-step" upgrade of WBBU's facilities from Class A to Class C3.<sup>3</sup> A full copy of the

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(...Continued)

statement of Randy W. Kendrick, Guaranty's Treasurer (Attachment 1), Mr. Henderson has already approached Guaranty in a manner that suggests that the timing and motivation of this and a separate pending rulemaking (see MM Docket No. 97-8, RM-8957) may be designed, at least in part, to give Mr. Henderson certain strategic business advantages wholly apart from the specific rulemaking proposals. As Mr. Kendrick states, Mr. Henderson specifically advised Guaranty that (1) he was applying for the Tylertown allotment; (2) that the allotment would prevent Guaranty from upgrading WBBU from Class A to Class C3 status; and (3) that he would not go forward with the allotment if he could obtain Radio Station KCIL(FM), Houma, Louisiana (another station licensed to Guaranty), at a substantially reduced purchase price. Attachment 1. Mr. Kendrick's statement further notes that Mr. Henderson also advised Guaranty that he was applying for a new FM allotment at Amelia, Louisiana, and implied that the Amelia allotment could adversely impact KCIL's competitive posture. Mr. Henderson's brazen approach to Guaranty, as detailed in Attachment 1, together with the fact that the Amelia proposal would require building a radio station in an inaccessible, swamp area (see Guaranty's "Reply Comments" filed March 25, 1997, in MM Docket No. 97-8, RM-8957) suggest, at best, that petitioner has an alternative agenda.

<sup>2</sup> Tylertown is the community of license for Radio Stations WTYL(AM) and WTYL-FM.

<sup>3</sup> Pearl Broadcasting Corporation, a wholly-owned subsidiary of Guaranty, is the licensee of Radio Station WHMD(FM), Hammond, Louisiana. An application on FCC Form 301 is being filed simultaneously with these comments proposing the relocation of WHMD's transmitter site. The facilities proposed in the WBBU modification application meet the FCC's minimum separation requirements with regard to the proposed WHMD site.

subject application is appended hereto as Attachment 2. Although this upgrade proposal conflicts with the proposed allotment at Tylertown, as we demonstrate below, the public interest benefits of WBBU's proposed upgrade outweigh any perceived benefits of the proposed Tylertown allotment. Accordingly, the allotment of Channel 297A at Tylertown, Mississippi, should be rejected.

Radio Station WBBU is the only radio service assigned to Baker, Louisiana. By contrast, the community of Tylertown, Mississippi, is already well served by two radio stations -- WTYL(AM) and WTYL-FM. Moreover, the proposed upgrade of WBBU would provide a new radio service to a much greater population than would the proposed Tylertown allotment. Appended hereto as Attachment 3 is a technical exhibit comparing the predicted population gains of the two proposals. As demonstrated therein, the proposed WBBU upgrade would provide new service to 77,425 people.<sup>4</sup> The proposed Tylertown allotment, however, would provide new service to only 39,710 people -- or only 51% of the additional population that WBBU's upgraded facilities would serve. Accordingly, the public interest would be much better served by the upgrade of WBBU from Class A to Class C3 facilities.

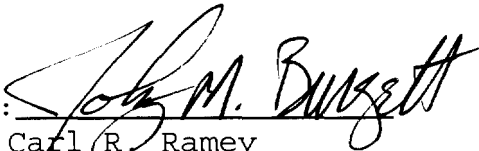
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<sup>4</sup> As demonstrated by the attached technical exhibit, the WBBU upgrade proposal would not result in any loss of service, only a gain.

WHEREFORE, the above premises considered, Guaranty Broadcasting Corporation respectfully submits that the proposed allotment of Channel 297A at Tylertown, Mississippi, be rejected in favor of the proposed upgrade of WBBU(FM), Baker, Louisiana.

Respectfully submitted,

GUARANTY BROADCASTING  
CORPORATION

By:   
Carl R. Ramey  
John M. Burgett

WILEY, REIN & FIELDING  
1776 K Street, N.W.  
Washington, D.C. 20006  
(202) 429-7000

Its Attorneys

March 31, 1997

**ATTACHMENT 1**


Declaration of Randy W. Kendrick

I, Randy W. Kendrick, under penalty of perjury, hereby declare as follows:

1. I am the Treasurer and a Director of Guaranty Broadcasting Corporation ("GBC"), the licensee of WBBU(FM), Baker, Louisiana; WGGZ(FM), Baton Rouge, Louisiana; WTGE(FM), Baton Rouge, Louisiana; KCIL(FM), Houma, Louisiana; and KJIN(AM), Houma, Louisiana.
2. On March 7, 1997, Roy Henderson visited GBC's offices in Baton Rouge, Louisiana, and met with me; George A. Foster, Jr., the President of GBC; and Greg Herpin, General Manager of WBBU, WTGE and WGGZ. At the outset of the meeting, Mr. Henderson advised us that he was in the process of applying for new FM allotments at Amelia, Louisiana, and Tylertown, Mississippi. Mr. Henderson stated that his proposed allotment at Tylertown would prevent GBC from upgrading WBBU from Class A to Class C3 facilities. Mr. Henderson also seemed to imply that the Amelia Class C3 allotment could adversely impact the competitive posture of our Houma FM station, KCIL. After several minutes of discussion about the Amelia and Tylertown allotments, Mr. Henderson advised us that he wanted to acquire KCIL and urged us to set a price. After some further discussion, I finally volunteered a possible price of \$6,000,000. Mr. Henderson responded with "I'll give you \$2,000,000." Mr. Henderson then said that he would not go forward with the Amelia and

- 2 -

Tylertown allotments if he could get KCIL "at a deal."  
The meeting concluded with no further substantive  
discussion.



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Randy W. Kendrick

Dated: March 25, 1997

**ATTACHMENT 2**



# WILEY, REIN & FIELDING

1776 K STREET, N. W.  
WASHINGTON, D. C. 20006  
(202) 429-7000

March 31, 1997

WRITER'S DIRECT DIAL NUMBER  
(202) 429-4239

FACSIMILE  
(202) 429-7049

## DELIVERY VIA COURIER TO MELLON BANK

William F. Caton, Secretary  
Federal Communications Commission  
c/o Mass Media Services  
P.O. Box 358195  
Pittsburgh, PA 15251-5195

Re: FCC Form 301  
WBBU(FM), Baker, Louisiana

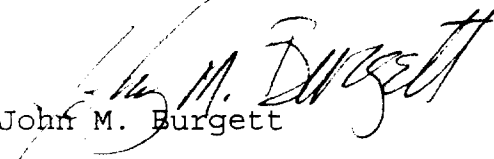
Dear Mr. Caton:

Transmitted herewith, on behalf of Guaranty Broadcasting Corporation, the licensee of WBBU(FM), Baker, Louisiana, is an application on FCC Form 301 for the minor modification of the station's licensed facilities. Specifically, this application proposes a "one step" upgrade from Class A to Class C3 facilities.

A filing fee check in the amount of \$690.00 accompanies this application.

If there are any questions concerning this matter, please contact this office.

Respectfully submitted,

  
John M. Burgett

Enclosure

WILEY, REIN & FIELDING  
1776 K Street, N.W.  
Washington, DC 20006  
Operating Account

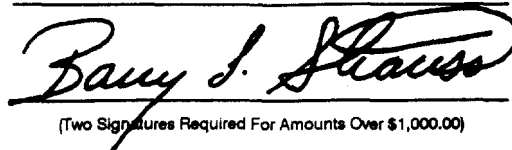
No. 089091

Date	Amount
03/31/1997	*****690.00

Pay Six Hundred Ninety and No/100 Dollars ONLY

To the  
Order of FCC

NationsBank of DC, N.A.  
Washington, DC 20008  
15-120/540

  
(Two Signatures Required For Amounts Over \$1,000.00)

⑈089091⑈ ⑆054001204⑆

⑈370298 7⑈

Attached is our check in full settlement of items shown hereon. If not correct, please return with explanation or call us at (202)428-7287.

No. 089091

FCC					Check Date 03/31/1997	
Description	Date	Invoice No.	Amount of Invoice	Discount	Net	
FORM 301	03/31/1997		690.00	.00	690.00	
				Total	690.00	

Remittance Advice  
Detach before depositing

WILEY, REIN & FIELDING  
Operating Account

FOR  
FCC  
USE  
ONLY

# FCC 301

## APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY

FILE NO.

### Section I - GENERAL INFORMATION

1. APPLICANT NAME (Last, First, Middle Initial)

GUARANTY BROADCASTING CORPORATION

MAILING ADDRESS (Line 1) (Maximum 35 characters)

929 Government Street

MAILING ADDRESS (Line 2) (Maximum 35 characters)

CITY

Baton Rouge

STATE OR COUNTRY (if foreign address)

Louisiana

ZIP CODE

70802

TELEPHONE NUMBER (include area code)  
(504) 383-0355

CALL LETTERS  
WBBU(FM)

OTHER FCC IDENTIFIER (IF APPLICABLE)

2. A. Is a fee submitted with this application?

☒ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1113) and go to Question 3.

☐ Governmental Entity

☐ Noncommercial educational licensee

☐ Other (Please explain):

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1)	M P R	0 0 0 1	\$ 690.00	

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

	(A)	(B)	(C)	FOR FCC USE ONLY
(2)		0 0 0 1	\$	

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED WITH THIS APPLICATION
\$ 690.00

FOR FCC USE ONLY

3. This application is for: (check one box)

☐ AM

☒ FM

☐ TV

(b) Channel No. or Frequency

297C3

(b) Principal  
Community

City

Baker

State

Louisiana

(c) Check one of the following boxes:

☐ Application for NEW station

☐ MAJOR change in licensed facilities; call sign: .....

☒ MINOR change in licensed facilities; call sign: ..... WBBU(FM)

☐ MAJOR modification of construction permit; call sign: .....

File No. of construction permit: .....

☐ MINOR modification of construction permit; call sign: .....

File No. of construction permit: .....

☐ AMENDMENT to pending application; Application file number: .....

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

☐ Yes ☒ No

4. Is this application mutually exclusive with a renewal application?

If Yes, state:

Call letters	Community of License	
n/a	City	State

## SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Does the applicant propose to employ five or more full-time employees?

☐ Yes ☐ No

n/a - minor modification

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC Form 396-A).

## SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirements of 47 C.F.R. Section 73.3580? ☐ Yes ☐ No

n/a - minor modification

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose? ☒ Yes ☐ No

If No, attach as an Exhibit, a full explanation.

Exhibit No.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of person contacted: n/a - applicant owns site

Telephone No. (include area code): \_\_\_\_\_

Person contacted: (check one box below:

☐

Owner

☐

Owner's Agent

☐

Other (specify)

4. By checking Yes, the applicant certifies, that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☒ Yes ☐ No

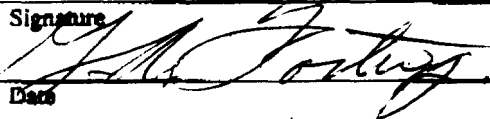
The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached Exhibits are considered material representations, and that all Exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section. 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name Guaranty Broadcasting Corporation	Signature 
Title President	Date March 27, 1997
Typed or Printed Name of Person Signing George A. Foster, Jr.	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

## SECTION V-B - FM BROADCAST ENGINEERING DATA

## FOR COMMISSION USE ONLY

File No. \_\_\_\_\_

SSB Referral Date \_\_\_\_\_

Referred By \_\_\_\_\_

Name of Applicant

Guaranty Broadcasting Corporation

Call Letters (if issued)

WBBU (FM)

Is this application being filed in response to a window?

☐ Yes ☒ No

If Yes, specify closing date: \_\_\_\_\_

Purpose of Application: (check appropriate boxes)

- |  |   |
|--|---|
| <input type="checkbox"/> Construct a new (main) facility                       | <input type="checkbox"/> Construct a new auxiliary facility                         |
| <input type="checkbox"/> Modify existing construction permit for main facility | <input type="checkbox"/> Modify existing construction permit for auxiliary facility |
| <input checked="" type="checkbox"/> Modify licensed main facility              | <input type="checkbox"/> Modify licensed auxiliary facility                         |

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

- |   |  |
|---|--|
| <input type="checkbox"/> Antenna supporting structure height  | <input checked="" type="checkbox"/> Effective radiated power |
| <input type="checkbox"/> Antenna height above average terrain | <input type="checkbox"/> Frequency                           |
| <input type="checkbox"/> Antenna location                     | <input checked="" type="checkbox"/> Class                    |
| <input type="checkbox"/> Main Studio location                 | <input checked="" type="checkbox"/> One-Step processing      |
| <input checked="" type="checkbox"/> Directional Antenna       | <input type="checkbox"/> Other(summarize)                    |

File Number(s) \_\_\_\_\_ BLH-960304KB

## 1. Allocation:

Channel No.	Principal community to be served:		
	County	City or Town	State
297	East Baton Rouge Parish	Baker	LA

Class (check only one box below)

- |                             |                             |                            |  |
|-----------------------------|-----------------------------|----------------------------|--|
| <input type="checkbox"/> A  | <input type="checkbox"/> B1 | <input type="checkbox"/> B | <input checked="" type="checkbox"/> C3 |
| <input type="checkbox"/> C2 | <input type="checkbox"/> C1 | <input type="checkbox"/> C |  |

## 2. Exact location of antenna.

- (a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark. Near the intersection of Spur Lane and Old Baker-Zachary Road, near Baker, East Baton Rough Parish, LA
- (b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude and East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed. (The Commission requires coordinates based on NAD 27.)

Latitude	30 °	37 '	24 "	Longitude	91 °	09 '	50 "
----------	------	------	------	-----------	------	------	------

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☒ Yes ☐ No

If Yes, give call letter(s) or file number(s) or both. \_\_\_\_\_ Present WBBU, KQXL-FM

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any. \_\_\_\_\_

N/A

Section V-B - FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates?

☐ Yes ☒ No

If Yes, list old coordinates.

Latitude	°	N/A	'	"	Longitude	°	N/A	'	"
----------	---	-----	---	---	-----------	---	-----	---	---

5. Has the FAA been notified of the proposed construction?

☐ Yes ☒ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available. No change in overall height of existing structure

Exhibit No.  
N/A

Date N/A Office where filed N/A

FAA Aero. Study No. 87-ASW-0913-0F

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Landing Area	Distance (km)	Bearing (degrees True)
(a)	Whitehead (Pvt)	7.5	39
(b)	Brian's (Pvt)	7.9	343

7. (a) Elevation (to the nearest meter)

(1) of site above mean sea level; 24 meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 152 meters

(3) of the top of supporting structure above mean sea level [(a)(1) + (a)(2)]. 176 meters

- (b) Height of radiation center: (to the nearest meter) H = Horizontal; V = Vertical

(1) above ground; 110 meters (H)

110 meters (V)

(2) above mean sea level [(a)(1) + (b)(1)]; and 134 meters (H)

134 meters (V)

(3) above average terrain. 114 meters (H)

114 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labeling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No.  
Fig. 1

9. Effective Radiated Power:

(a) ERP in the horizontal plane 19 kw (H\*) 19 kw (V\*)

Is beam tilt proposed?

☐ Yes ☒ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevation plot of radiated field.

Exhibit No.  
Fig. 2

N/A kw (H\*) N/A kw (V\*)

\*Polarization

**Section V-B - FM BROADCAST ENGINEERING DATA (Page 3)**

10. Does this proposal modify a new unbuilt construction permit for an unbuilt, unlicensed facility? ☐ Yes ☒ No

If Yes, submit an Exhibit demonstrating compliance with 47 C.F.R. Section 73.3535 that includes a certification that construction will commence immediately upon grant of the construction permit application.

Exhibit No.  
N/A

11. Is a directional antenna proposed? ☒ Yes ☐ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s), and tabulations of the relative field.

Exhibit No.  
Fig. 2

12. Will the proposed facility satisfy the requirements of 47 C.F.R. Section 73.315(a) and (b)? ☒ Yes ☐ No

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 3.16 mV/m service.

Exhibit No.  
N/A

13. Will the main studio be within the protected 3.16 mV/m field strength contour of this proposal? ☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.  
N/A

14. Is this application being filed as a One-step proposal pursuant to the Report & Order in MM Docket 92-159, 8 FCC 2d 4735 (released July 13, 1993)? ☒ Yes ☐ No

If Yes, list the proposed allotment site coordinates to the nearest second below and attach an Exhibit demonstrating that the proposed allotment site is in compliance with the allotment standards. The Exhibit must contain: (1) an allotment site map that complies with the requirements of the April 5, 1985, Public Notice, Mimeo 3693, or a statement that the allotment site will be located on an existing tower; (2) a city coverage map, showing the allotment site is in compliance with 47 C.F.R. Section 73.315; (3) a showing demonstrating that the allotment site meets the minimum distance separation requirements of 47 C.F.R. Section 73.207; and (4) a statement that the proposed allotment site is suitable for tower construction.

Exhibit No.  
Fig. 5

The coordinates for the proposed allotment site are:

Latitude	30 °	44 '	30 "	Longitude	91 °	12 '	30 "
----------	------	------	------	-----------	------	------	------

15. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207? ☐ Yes ☒ No

- (b) If the answer to (a) is No, does 47 C.F.R. Section 73.213 apply? ☐ Yes ☒ No

- (c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers.

Exhibit No.  
N/A

- (d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.  
Fig. 5

- (e) Is authorization pursuant to 47 C.F.R. Section 73.215 requested? ☒ Yes ☐ No

If the answer to (e) is Yes, attach as an Exhibit a complete engineering study demonstrating compliance with the minimum spacing requirements of 47 C.F.R. Section 73.215(e) and lack of prohibited overlap with the affected stations. The engineering study must include the following:

Exhibit No.  
Fig. 5



**Section V-B - FM BROADCAST ENGINEERING DATA (Page 4)**

- (1) Protected and interfering contours, in all directions (360°), for the proposed operation.
- (2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.
- (3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
- (4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire Exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (5) The official title(s) of the map(s) used in the Exhibit(s).

16. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast (except citizens band and amateur) radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

☒ Yes ☐ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. (See 47 C.F.R. Sections 73.315(b), 73.316(e) and 73.318.)

Exhibit No.  
See Text

17. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V (D). The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.  
Fig. 3

18. Attach as an Exhibit (name the source) a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.  
Fig. 4

- (a) the proposed transmitter location, and the radials along which profile graphs have been prepared;
- (b) the 3.16 mV/m and 1 mV/m predicted contours; and
- (c) the legal boundaries of the principal community to be served.

19. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area 4,448 sq. km.

Population 487,083

20. For an application involving an auxiliary facility only, attach as an Exhibit a map (Sectional Aeronautical Chart or equivalent) that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.  
N/A

- (a) the proposed auxiliary 1 mV/m contour; and
- (b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

# Section V-B - FM BROADCAST ENGINEERING DATA (Page 5)

21. Terrain and coverage data (to be calculated in accordance with 47 C.F.R. Section 73.313)

Source of terrain data: (check only one box below)

☒ Linearly interpolated 30-second database

☐ 7.5 minute topographic map

(Source: NGDC)

☐ Linearly interpolated 3-second database

☐ Other (summarize)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances	
		To the 3.16 mV/m contour (kilometers)	To the 1 mV/m contour (kilometers)
*			
0	101.0	21.9	37.1
45	106.4	22.5	37.9
90	112.7	22.2	37.5
135	119.1	22.0	37.1
180	117.6	19.8	33.7
225	126.6	24.3	40.6
270	123.2	24.0	40.2
315	108.0	22.6	38.2

\*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT.

22. Environmental Statement. (See 47 C.F.R. Section 1.1301 et seq.)

Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact, including exposure of workers or the general public to levels of RF radiation exceeding identified health and safety guidelines issued by the American National Standards Institute?

☐ Yes ☒ No

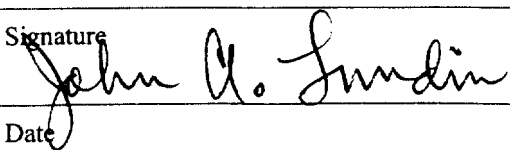
If you answer Yes, submit as an Exhibit an Environmental Assessment required by 47 C.F.R. Section 1.1311.

Exhibit No.  
N/A

If No, explain briefly why not. Proposal appears to be categorically excluded. No RF energy to workers or general public in excess of FCC guidelines.

## CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed) John A. Lundin	Relationship to Applicant (e.g., Consulting Engineer) Technical Consultant
Signature 	Address (include ZIP Code) Du Treil, Lundin & Rackley 240 N. Washington Boulevard, Suite 700 Sarasota, FL 34236
Date March 27, 1997	Telephone No. (include Area Code) (941) 366-2611

*du Treil, Lundin & Rackley, Inc.*

A Subsidiary of A. D. Ring, P.C.

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TECHNICAL EXHIBIT  
APPLICATION FOR CONSTRUCTION PERMIT  
GUARANTY BROADCASTING CORPORATION, INC.  
STATION WBBU (FM)  
BAKER, LOUISIANA

March 27, 1997

CH 297C3      19 KW (MAX-DA)      114 M

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Technical Narrative

This technical narrative supports an application from Guaranty Broadcasting Corporation to make changes in FM station WBBU at Baker, Louisiana. According to the FCC's FM database, station WBBU is currently licensed (BLH-960304KB) to operate on channel 297A (107.3 MHz) with an effective radiated power (ERP) of 4.6 kilowatts (kW), horizontal and vertical polarization (H&V). The WBBU antenna height above average terrain (HAAT) is 114 meters.

By means of a one-step upgrade application, it is proposed to upgrade station WBBU from Class A to Class C3 at the present site. It is proposed to install a directional antenna system. The proposed maximum ERP will be 19 kW (H&V). The antenna HAAT will remain 114 meters. There is no proposed change in transmitter site, city of assignment or frequency.

This application is mutually exclusive with (or considered a counterproposal to) the proposed allotment of channel 297A to Tylertown, Mississippi filed by TRL Broadcasting Company (MM Docket No. 97-45, comments due March 31, 1997). Station WBBU is the only radio service assigned to Baker, Louisiana. By contrast, Tylertown, Mississippi currently has 2 radio services assigned, AM station WTYL on 1290 kHz and station WTYL-FM on channel 249A. The proposed channel 297A allotment would be the

third radio service, and second FM service assigned to Tylertown, Mississippi.

Figure 1 is a sketch of the antenna system showing pertinent elevation information. The Federal Aviation Administration (FAA) Southwest Regional office has not been notified of the proposal since there is no proposed increase in the overall height of the existing structure. The FAA approved the existing structure in Aeronautical Study No. 87-ASW-0913-OE.

Figure 3 is a portion of the 1/24,000 scale USGS topographic map showing the WBBU transmitter site.

Figure 4 is a map showing the predicted 3.16 mV/m (70 dBu) principal city contour and 1 mV/m (60 dBu) service contour for the proposed WBBU operation. The city limits of Baker are shown based on information contained in the 1990 U.S. Census for Louisiana. The extent of the contours has been calculated using the FCC's normal prediction method, along with the N.G.D.C. 30-second digitized terrain database.

Figure 6 is a map showing a comparison of the present and proposed WBBU 1 mV/m contours. The following is an estimate of the population (1990 census) and area within the 1 mV/m contours.

<u>Operation</u>	<u>Population</u>	<u>Area</u>
Present 1 mV/m	409,658	2,507
Proposed 1 mV/m	487,083	4,448

As shown on the map, there is no loss area, only a gain area. The proposed WBBU channel 297C3 operation would provide predicted 1 mV/m service to an additional 77,425 people within an area of 1,941 square kilometers.

Figure 5 is the allocation study for the proposed WBBU operation on channel 297C3. Sheets 1 and 2 of Figure 5 provide the separation study from a proposed allotment reference point for channel 297C3. As noted above, WBBU's channel 297C3 proposal is mutually exclusive with (or considered a counterproposal to) the proposed allotment of channel 297A to Tylertown, Mississippi. The WBBU proposal is also based upon station WHMD(FM) on channel 296A (107.1 MHz) at Hammond, Louisiana moving to a new transmitter site as being proposed in an application being filed concurrently.

Sheets 3 and 4 of Figure 5 are maps showing the area to locate channel 297C3 in compliance with the FCC's minimum separation requirements. Sheet 3 is a portion of a 1/250,000 scale USGS topographic map showing the proposed channel 297C3 allotment reference point and the present WBBU site. Sheet 4 is a portion of USGS 1/24,000 scale topographic map showing the proposed allotment reference point and the nature of the area meeting the channel 297C3 separation requirements.

Sheets 5 and 6 of Figure 5 provide the separation study for channel 297C3 at the present WBBU site, as proposed in this application. The proposed operation of station WHMD, station KCIL (Ch.298C1, Houma, LA) and the proposed operation of station KPEL-FM (Ch.300C1, Erath , LA) are all protected in accordance

with Section 73.215 of the FCC rules (use of a short-spaced site). It is noted the application for station KPEL-FM (BMPH-961107IB) also requests processing pursuant to Section 73.215 of the FCC rules.

Sheet 7 of Figure 5 is a map showing the pertinent contours for the allocation showing in accordance with Section 73.215 of the FCC rules. As demonstrated, there is no prohibited contour overlap to the 3 short-spaced operations.

Figure 2 provides the idealized horizontal plane directional antenna pattern for the proposed WBBU operation. A vertical plane relative field pattern for the proposed 4-bay antenna system is also provided.

The "blanketing" contour (115 dBu) for the proposed operation extends approximately 1.7 kilometers (1 mile). The applicant recognizes its responsibility to remedy complaints of interference as required by Section 73.318 of the FCC rules.

There are no known AM stations within 5 kilometers (3 miles) of the WBBU site. There are no known authorized full service TV stations within 16 kilometers (10 miles) of the WBBU site. The following is a list of the other known authorized full service FM stations within 16 kilometers of the WBBU site.



<u>Station</u>	<u>Chan.</u>	<u>Bearing</u>	<u>Distance</u>
KQXL-FM, New Roads, LA	293C2	0 deg.	0.0 km
WBJJ, Jackson, LA	283A	325	12.9

Although no adverse electromagnetic interference is expected, the applicant recognizes its responsibility to correct prohibited problems which may result from its proposed operation.

The closest point of the Mexican border is approximately 782 kilometers to the southwest. The closest point of the Canadian border is approximately 1443 kilometers to the north-northeast. The closest FCC monitoring station is at Powder Springs, Georgia, approximately 704 kilometers to the northeast. The National Radio Quiet Zone (VA/WV) is located 1243 kilometers to the northeast. The Table Mountain Radio Quiet Zone (CO) is located approximately 1651 kilometers to the northwest. The closest radio astronomy site conducting research on TV channel 37 is at Fort Davis, Texas, approximately 1222 kilometers to the west. All these distances are considered sufficient to not be an interference or coordination concern.

The proposed WBBU facilities were evaluated in terms of potential radiofrequency (RF) energy exposure to the public in accordance with OST Bulletin No. 65. Using a conservative value of 0.25 for the antenna's relative field (see Figure 2) and the maximum combined ERP of 38 kW, the calculated power density at a point 2 meters above ground level is 0.0068 mW/cm<sup>2</sup>. This represents only 0.7